

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH JOHN,

Plaintiff,

v.

Z. HUGHES,

Defendant.

Case No. 2:20-cv-00984-JAM-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO COMPLY WITH LOCAL
RULES

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On March 3, 2022, defendant filed a motion to modify the scheduling order and to compel plaintiff to provide discovery responses. ECF No. 32. Plaintiff failed to file a response. Accordingly, on June 15, 2022, I ordered plaintiff to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to comply with the court's local rules. ECF No. 35. I notified him that if he wished to continue with this action he must file, within twenty-one days, an opposition or statement of non-opposition to defendant's motion to compel. *Id.* at 2. I also warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and plaintiff has not filed an opposition or statement of non-
2 opposition, or otherwise responded to the June 15, 2022 order.¹ Accordingly, it is hereby
3 RECOMMENDED that:

4 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
5 and failure to comply with the court's local rules.

6 2. Defendant's motions to compel and for summary judgment, ECF Nos. 32 & 33, be
7 denied as moot.

8 3. The Clerk of Court be directed to close the case.

9 I submit these findings and recommendations to the district judge under 28 U.S.C.
10 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,
11 Eastern District of California. The parties may, within 14 days of the service of the findings and
12 recommendations, file written objections to the findings and recommendations with the court.
13 Such objections should be captioned "Objections to Magistrate Judge's Findings and
14 Recommendations." The district judge will review the findings and recommendations under 28
15 U.S.C. § 636(b)(1)(C).

16 IT IS SO ORDERED.

17 Dated: July 14, 2022



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Defendant also filed a motion for summary judgment on June 2, 2022. ECF No. 33. In
the June 15 order, I reminded plaintiff that he was required to file an opposition or statement of
non-opposition to that motion by no later than June 23, 2022. See E.D. Cal. L.R. 230(l). Plaintiff
failed to file a response to that motion.